

TEMPORARY

AMENDED

NO. 67398T

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 05 2001

Returned to applicant for correction _____

Corrected application filed MAY 17 2001

Map filed _____

The applicant **PACIFIC RECLAMATION WATER COMPANY**, a Nevada Corporation hereby makes application for permission to change the **the point of diversion and place of use of a portion** of water heretofore appropriated under **Permit 11125, Cert. 2846**

1. The source of water is **Bishop Creek**
2. The amount of water to be changed **1.433 cfs for 116.43 acres of meadow culture 349.29 afs**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **NW¼ SW¼ of Section 1, T38N, R61E, MDB&M in location shown on Map No. 4 filed in File No. 11125 See detail on map 4**
6. The existing permitted point of diversion is located within **NW¼ NE¼ of Section 27, T39N, R62E, MDB&M at a point from which the S¼ corner of said Section 27 bears S 15° 05' W a distance of 4,285 feet illustrated on Map 3 of Maps 11125**
7. Proposed place of use **Portions of W½ SW¼ and SW¼ NW¼ of Section 1 and E½ SW¼, SE¼ and SE¼ NE¼ of Section 2, T38N, R61E, MDB&M for a total of irrigated lands not to exceed 116.43 acres**
8. Existing place of use **E½ SE¼ and SE¼ NE¼ of Section 22 and W½ W½ SW¼ of Section 23, T39N, R61E. MDB&M for a total of no more than 116.43 acres - See attached copy of Page 4 of Proof Map submitted in connection with Permit 11125. Except the North 12.56 ac of SE¼ NE¼ Sec 22.**
9. Use will be from **April 15 to August 15 2001**
10. Use was permitted from **April 15 to August 15. of each year.**
11. Description of proposed works **None – existing ditches will be used**
12. Estimated cost of works **None**
13. Estimated time required to construct works **None**
14. Estimated time required to complete the application of water to beneficial use **None**

15. Remarks: See attached supplement which is made a part of this amended application.
Total for 67398T & 67617T, 147.44 ac, 442.32 afs

Pacific Reclamation Water Company
By Herbert M. Uhlig
s/ Herbert M. Uhlig
P O Box 484
Wells NV 89835

Compared gkl^{CMF} ds/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions.

This temporary permit to change the point of diversion and place of use of a portion of the waters of Bishop Creek as heretofore appropriated under Permit 11125, Certificate 2846, which changed the point of diversion and place of use of Proof 00608 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued with the understanding that all waters of Bishop Creek above the confluence of Bishop Creek, Trout Creek and Burnt Creek shall be consistent with the customary uses from the date of issuance of Permit 11125, and Michael T. Howell and Cherie A. Howell shall not claim or demand consideration of service by water under any priority superior to those diverting from Bishop Creek above the Howells.

The total combined duty of water under Temporary Permits 67398-T and 67617-T shall not exceed 442.32 acre-feet per season for the irrigation of 147.44 acres.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **August 15, 2001** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.433 cubic feet per second, but not to exceed 349.29 acre-feet per season, and not to exceed a seasonal duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

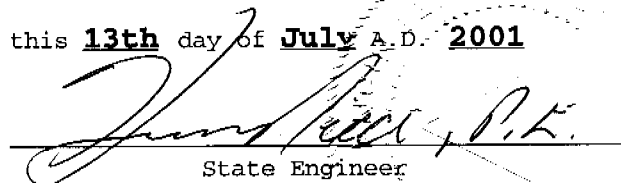
Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 13th day of July A.D. 2001


State Engineer

TEMPORARY

EXPIRED
DATE AUG 15 2001

SUPPLEMENT TO
AMENDED APPLICATION 67398T

FOR
PERMISSION TO CHANGE POINT OF DIVERSION AND PLACE OF USE
UNDER PERMIT 11125

This application is made pending resolution of that Appeal from Order or Decision of the State Engineer filed by Michael T. Howell and Cherie A. Howell, Petitioners vs. R. Michael Turnipseed, P.E., State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, State of Nevada, Respondent, as concerns a portion of Proof 00608 of the Humboldt River Decree.

Michael T. Howell and Cheri A. Howell ("Howells") have submitted documentation to the State Engineer claiming a portion of said Proof 00608 and requesting transfer of ownership for that portion which the State Engineer denied on the basis that the water rights on the lands owned by Howell had been stripped of water rights by action taken in Permit 11125. From that Order or Decision, the Petitioners filed the appeal.

The applicant or its successors in interest is presently considered to be the owner of record of the waters the subject of this application and those same rights are involved in the claim of ownership by Michael T. Howell and Cherie A. Howell.

In order to provide a reasonable period of time for review of the records, Pacific Reclamation Water Company has consented to an application for a temporary change of place of the waters recognized under Permit 11125, which such temporary change of use is to be only for the 2001 irrigation season, ending on August 15, 2001 under the following conditions:

1. The permit to be issued by the State Engineer pursuant to this amended application shall be temporary and terminate on August 15, 2001, with the place of use to revert to its present status at such termination.
2. All use of the waters of Bishop Creek above the confluence of Bishop Creek, Trout Creek and Burnt Creek shall be consistent with the customary uses from the date of issuance of the Permit for 11125 and the Howells shall not claim or demand consideration for service by water under any priority superior to those diverting from Bishop Creek above the Howells.
3. Approval of this amended application as submitted by Pacific Reclamation Water Company is not to be construed as recognition by the State of Nevada or Pacific Reclamation Water company of any right, title or interest of Howells in and to the subject water, nor shall this Application be used in any connection with future legal proceedings instituted by Howells concerning these water rights.

This change of place of use application involves only a portion of the place of use under Permit 11125. Those lands listed under Item 8 of this Application are a portion of the lands shown for the place of use under said permit and the only lands affected by this application.